[Dr. Raja Ramanna]

layan Mountaineering Institute, Darjeeling and related papers.

II. Notifications of the Ministry of Surface Transport (Border Roads Development Board) and related papers.

DR. RAJA RAMANNA: Madam, I also lay on the Table:—

I. A copy each (in English and Hindi) of the following papers:—

(i) Annual Accounts of the Himalayan Mountaineering Institute, Darjeeling, for the year 1988-89 and the Auditors' Report thereon.

(ii) Review by Government on the working of the Institute.

(iii) Statement giving reasons for the delay in laying the papers mentioned at (i) absve.

[Placed in Library. *See* No. LT-1375/90 for (i) to (iii)]

II. (1) A copy each (in English and Hindi) of the following Notifications of the Ministry of Surface Transport (Border Roads Development Board), under article 309 of the Constitution:—

(i) G.S.R. No. 80, dated the 10th February, 1990 publishing General Reserve Engineer Force Group 'C' Recruitment (Amendment) Rules, 1989.

(ii) G.S.R. No. 220, dated the 7th April, 1990, publishing the Border Roads Organisation (Additional Director General—Border Roads) Recruitment Rules, 1990.

(iii) G.S.R. No. 279, dated the 5th May, 1990, publishing the General Reserve Engineer Force Group 'C' and Group 'D' Recruitment (Amendment) Rules, 1990.

(2) Statement (in English and Hindi) giving reasions for the delay in laying the papers mentioned at (1) above.

[Placed in Library. *See* No. LT-1374/90 for (1) and (2)].

FARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

SHRI RANJAN PRASAD YADAV (Bihar): Madam, I lay on the Table a copy (in English and Hindi) of the First Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on action taken by Government on the recommendations contained in the 46th Report (Eighth Lok Sabha) on the Ministry of Tourism—Reservations for and employment of Scheduled Castes and Scheduled Tribes in India Tourism Development Corporation.

THE DEPUTY CHAIRMAN: We shall now take up Special Mentions.

SHRI A. G. KULKARNI (Maharashtra): Madam I, want to make a submission. (*Interruptions*).

REFUND OF ILLEGALLY COLLECTED EXCISE DUTY, SALES TAX ETC.

THE LEADER OF THE OPPOSITION (SHRI P. SHIV SHANKER): Madam Deputy Chairman, before you go to the next item, I would like to make a submission. I will take just one minute.

Madam, the entire House is exercised over an issue which was brought to the notice of the House earlier as well. I am glad, the hon. Member, Mr. Yashwant Sinha, has also raised his voice. One of the great leaders of this country, Mr. Chandra Shekhar, has also raised this issue. This is regarding the circular issued by the Central Board of Excise on the 28th March saying that Government need not reject the refunds on the ground that it would result in a fortuitous benefit to the manufacturers. This circular which has been issued by the Board will benefit in thousands of crores to the manufacturers. The benefit does not go to the consumer, nor the Government, which in the ordinary course is entitled to retain this money. This was a clear case where the manufacturers would have got undue benefit. Therefore, I am glad that hon. Members sitting on the other side, particularty I wonld like

to refer to Mr. Yashwant Sinha, were exercised over this matter. On the 31st August, it has been reported—22 MPs, of the ruling party raised the issue before Prime Minister for the purpose of seeking clarification as to what exactly had gone wrong with the Government in passing this type of an order.

I am also glad to bring to the notice of the House that cutting across party lines, Members have given notice of a Calling-Attention Motion on this issue. The entire House is exercised. It is a matter of loss of thousands of crores to the Government. Therefore, there should be a proper probe into it. When I am saying this, I am sure I am echoing the feelings of all sections of the House. There should be a proper probe and, for this purpose, the Government must commit itself to appoint a Joint Parliamentary Committee so that we could go into it as to how this has happened and who is responsible for this type of an order. A loss of more than Rs. 10,000 crores is not a small one. Therefore, I would like a commitment from the Government. The hon. Minister of Information is here. The Government should commit themselves to set up a Joint Parliamentary Committee to probe into the whole question. May I request the hon. Minister to at least react to the proposal which I am sure, will not find any divergence here?

SHRI A. G. KULKARNI (Maharashtra): Madam, I support our leader. This means thousands of crores' loss to the exchequer. (*Interruptions*).

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): This is a very serious matter, Madam. (*Interruptions*). There should be Joint Parliamentary Committee to go into this. (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker is the Leader of the Opposition. He has expressed the feelings on behalf of all the Members of his party. Let the Government react. If the Government reacts, we can see what the position is.

SHRI GURUDAS DAS GUPTA (West Bengal): This is not the demand made by the opposition alone. I think it should be probed immediately. We express our deep concern and I do not see any reason why efforts should not be made to find out why it has happened, how it has happened and how it can be stopped. It is a concern of all and let there be a unanimity on this in the House.

SHRI DIPEN GHOSH (West Bengal): In fact, I am one of the Members who have submitted a Calling Attention Motion to discuss the matter arising out of the issuance of that circular. It has got seriousness to know how the circular was issued, who has issued the circular and under whose authority. These are all matters relating to that. A Joint Parliamentary Committee can be there for probing this matter but before that we must know what the Minister of Finance has to say. Let the Minister of Finance come. Let them admit the Calling Attention Motion which we have already given notice of or let them give a statement on this. In the Calling Attention we can also discuss the matter thoroughly. Or if the Minister makes a statement we can seek clarifications. Thereafter, if necessary, surely there can be a probe.

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश): महोदया, यह मामला गम्भीर है और सारा सदन इसके बारे में चिंतित है। लेकिन कोई संसदीय समिति बनाने के बारे में हम विचार करें इससे पहले यह जरूरी है कि सारे तथ्य सदन के सामने आ जाएं।

सरकार को मौका दिया जाना चाहिए, वित्त मंत्री से अनुरोध किया जाना चाहिए कि इस सवाल पर आकर विस्तृत वक्तव्य दें और उसके प्रकाश में आगे कौन सी कार्यवाही करनी है, यह हम तय करेंगे।

श्री पी० शिव शंकर: आपने जो अमेंडमेंट की बात कही है कि पहले

[श्री अटल विहारी वाजपेयी]

उनका स्टेटमेंट हो जाए, उसमें मुझे कोई आपत्ति नहीं है।

श्री सुरेन्द्र जीत सिंह अहलुवालिया (बिहार): इसमें सारा सदन एक मत का है कि ..... **(व्यवधान)**

THE DEPUTY CHAIRMAN: That matter is closed now. Special mentions.

SHRI P. SHIV SHANKER: Can we have a commitment from the Leader of the House for a statement so that after that we can think whether we should go in for the JPC (*Interruptions*).

SHRI GURU DAS DAS GUPTA: Let request the Leader of the House to kindly respond. This is the feeling expressed by the entire House.

THE DEPUTY CHAIRMAN: That is what I am saying. I allowed Shri Shiv Shankerji. I allowed various parties. They have said whatever they wanted to say. The Government is listening. The Minister for Parliamentary Affairs is there. The Minister Minister of State for Finance is there. The Leader of the House is there. (*Interruptions*), Mr Jagesh, not only you but Mr. Bhandare also raised it before you wanted to raise it. So, the matter is raised.

डा. रत्नाकर पाण्डेय (उत्तर प्रदेश): यह मामला मैंने उठाया था।

उपसभापति: आपका ठीक है। आपने उठाया है, इसमें कोई दो राय नहीं है कि आपने उठाया था।

एक माननीय सदस्य: आप इनका नाम ले लीजिए, जरा।

उपसभापति: पाण्डेय जी, आप जरा बैठ जायेंगे। मैंने आपका नाम ले लिया है। ... **(व्यवधान)**

श्री सुरेन्द्र जीत सिंह अहलुवालिया: गवर्नमेंट चुप क्यों बैठी है

उपसभापति: आपने कालिंग अटेंशन का नोटिस दिया है-

that would be decided by the Chairman. If he accepts the Calling Attention, I have no objection for a discussion in the House. Or, if the Government wants to react or when the Government's reaction is there we will see what we have to do.

श्री सुरेन्द्र जीत सिंह अहलुवालिया: अभी तो इस मामले में पूरा सदन एक है। ... **(व्यवधान)**

The whole House is unanimous on this.

SHRI P. SHIV SHANKER: May I appeal to the Leader of the House through you to at least commit about the statement to come from the Finance Minister? Afterwards of course, the House can decide whether it is necessary for us to have a JPC or so. So, may we request him at least to commit for a statement.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Mr. Yashwant Sinha is here....

SHRI P. SHIV SHANKER: I am sorry, the Leader of the House is refusing even to commit. This is not fair. This is a serious issue. I am sure the conscience of the Leader of the House... (*Interruptions*).

THE DEPUTY CHAIRMAN: Let me allow Shri Yashwant Sinha. Does not matter. His name was linked with this. He raised it somewhere.

SHRI YASHWANT SINHA (Bihar): I think a very constructive suggestion has come from Shri Dipen Ghosh and Vajpayeeji that first the facts should be stated here. Let us know the facts because various agencies have reported various facts. Let an authentic

statement be made by the Government on this issue so that we know what the facts are and after that, let the House decide what course of action it wants to adopt.

SHRI P. SHIV SHANKER: Madam, I am sure now the Leader of the House can say that the statement will be made on this subject.... *(Interruptions)*

SHRI S. S. AHLUWALIA: Why is he silent?

THE DEPUTY CHAIRMAN: That matter is over. *(Interruptions)*

SHRI P. SHIV SHANKER: We want a commitment from the Leader of the House. *(Interruptions)*

THE MINISTER OF INFORMATION AND BROADCASTING AND PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Madam...

SHRI P. SHIV SHANKER: You are not the Leader of the House. We are asking the Leader of the House for commitment. But if you are rising to commit, then, of course, we will be grateful.

THE DEPUTY CHAIRMAN: Shiv Shankerji, it is all right, he is the Parliamentary Affairs Minister. He can make a statement.

SHRI P. UPENDRA: You are demanding a statement. It is within the purview of the Parliamentary Affairs Minister. I can tell what the Government thinks about it. Why do you say that a particular Minister should give it?

SHRI P. SHIV SHANKER: If you want to say on the merits, say so.

THE DEPUTY CHAIRMAN: On behalf of the Government, he is authorised to say. Let him say.

SHRI P. UPENDRA: I am saying that the hon. Members have raised this point. Government has already clarified this in a press note. But still if the Members want, I will communicate to the Finance Minister....

SEVERAL HON. MEMBERS: No, no.... *(Interruptions)*

SHRI P. SHIV SHANKER: We want a commitment. His communicating to the Minister of Finance does not mean anything. We do not want that. We want a commitment that the statement will be made in the House. What is the purpose of Parliamentary Affairs Minister saying that he will inform the Finance Minister? We are not agreeable to his informing the Finance Minister only. ...*(Interruptions)*

SHRIMATI MARGARET ALVA (Karnataka): Madam, on a point of order.....

श्री राम नरेश यादव (उत्तर प्रदेश): महोदया, लाडर आफ द हाउस बठे हैं .... (व्यवधान)

SHRI N. K. P. SALVE (Maharashtra): Madam, we have voiced the unanimous demand of all sections of the House and the manner in which the Information and Broadcasting and Parliamentary Affairs Minister is reacting is as though he is bestowing a bounty on the Houee by saying that he will inform the Finance Min ister. This is highly objectionable.. We want.....

THE DEPUTY CHAIRMAN: Mr. Jagesh Desai, your Deputy Leader is on his legs. Please sit down.

SHRI N. K. P. SALVE: ....the Leader of the House to react.

SHRI P. UPENDRA: They have misunderstood what I said.....

THE DEPUTY CHAIRMAN: Let him say what he wants to say

SHRI P. UPENDRA What I said was..

SHRI P. SHIV SHANKER: You should respect the views of the entire House. Your saying, "I will convey to the Finance Minister" is no answer. We want a commitment for the statement.

SHRI P. UPENDRA: You hear me.

THE DEPUTY CHAIRMAN: Let him finish what he is saying. I will allow you. Let him clarify what he wants to clarify.

SHRI P. UPENDRA: I heard you. You let me finish this.

SHRI SUBRAMANIAN SWAMY: Is he a post office?

SHRI P. UPENDRA: Government has already clarified this in a press note. If still the Members want a statement, it will be considered and I will find out the convenience of the Finance Minister to make a statement. That is what I said.

SEVERAL HON. MEMBERS: Today.

SHRI P. SHIVSHANKER: No, please commit that a statement, will be made here. I am only requesting, Mr. Minister, don't be evasive, my submission is that the Govrenment must commit ....(*Interruptions*)

SHRI P. UPENDRA: Timing you cannot dictate, today or tomorrow.
...(*Interruptions*)...

SHRI P. SHIV SHANKER: I am saying that you must commit. Are you committing to make a statement?

SHRI P. UPENDRA: I said that I will find out the conveience of the Finance Minister to tell... ...(*Interruptions*)...

SHRI P. SHIV SHANKER: Convenience is all right, but the fact remains that you are committing that the statement will be made.

SHRI P. UPENDRA: Yes, I said that.

THE DEPUTY CHAIRMAN: Now the commitment is there. Please keep quiet. ...(*Interruptions*)... Mrs. Alva.

SHRIMATI MARGARET ALVA: Madam, it is very unfortunate that the Minister... (*Interruptions*)... I am just saying that the Minister said just now that the Government has clarified the position in a perss note. And then they will try and see when they should come to the House. Madam, when Parliament is in session and when the issue is raised in the House, Government does not clarify through a press note outside. It is an inult to the House. ...(*Interruptions*)... How can the House take up a press clarification? It is totally against all parliamentary practice.... (*Interruptions*)....

THE DEPUTY CHAIRMAN: Please ... ...(*Interruptions*)... Mr. Minister... ...(*Interruptions*):... Please sit down. The matter was raised in the House. ... (*Interruptions*)...

SHRI CHATURANAN MISHRA (Bihar): The press note... (*Interruptions*)...

THE DEPUTY CHAIRMAN: One minute. Please take your seat. The matter was raised three times in the House by Special Mentions and by other means also. There were two Special Mentions, and Mr. Jagesh Desai also raised it in the House. Now this matter was raised in the House and you please find out from the Finance Minister and report to the House. Okay, now that matter is closed. Shri A. K. Antony. ...(*Interruptions*)...

SHRI SUBRAMANIAN SWAMY: Point of order. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Regarding which topic? That topic is over.
...(*Interruptions*)...

SHRI JAGESH DESAI (Maharashtra): We are assured by the Minister of Information and Broadcasting ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Mr. Jagesh Desai, I have identified Mr. Subramanian Swamy. His name is being called.

SHRI SUBRAMANIAN SWAMY: The Prime Minister made a statement on 7th of August on the Mandal Commission. Now it transpires from all the clarifications that he has misled the House. I am raising this point of order here to find out from you how this matter can be clarified because...

THE DEPUTY CHAIRMAN: Find out through me, from the Government it is not you. say, "Through you, from the Government."

SHRI SUBRAMANIAN SWAMY: Yes, through you, from the Prime Minister. Because, the Mandal Commission report said, very categorically, that if the reservations exceed 50 per cent, then the Supreme Court judgment is not adhere to; then the total reservation for backward classes should be 52 per cent. ...*(Interruptions)*...

SHRI CHATURANAN MISHRA: Not "should be." It is not correct.

..*(Interruptions)*...

SHRI SUBRAMANIAN SWAMY: That is what he has said. "It must be."

.. SHRI CHATURANAN MISHRA: Because that is not there, hence we recommend this.

SHRI SUBARMANIAN SWAMY: May I make my point of order? He can clarify, on behalf of the Government, later on.

THE DEPUTY CHAIRMAN: He can clarify whatever he wants. I will permit him. All right.

चतुरानन जी, मैं आपको इजाजत दूंगी। इनको बोलने दीजिए, जो ये बोलना चाहते हैं।

...*(Interruptions)*...

SHRI A. G. KULKARNI: I am raising... *(Interruptions)*...

SHRI SUBRAMANIAN SWAMY: Since the Mandal Commission report says that since the 50 per cent limit can't be breached, therefore, the residual, after the Scheduled Castes and Scheduled Tribes reservation is over 27 per cent, that is what should be reserved for the backward classes. Now, the Prime Minister's announcement has exceeded that 50 per cent ceiling put by the Supreme Court and, therefore, by keeping the reservation of 27 per cent for backward classes it is, in fact, in my opinion, a fraud on the backward classes. Secondly, one last point...

THE DEPUTY CHAIRMAN: Why don't you ask for a Special Mention? Make no speech. This can't be done now.

SHRI SUBRAMANIAN SWAMY: Muslims have been promised 10 per cent.

THE DEPUTY CHAIRMAN: You said it is a point of order.

SHRI SUBRAMANIAN SWAMY: He promised 10 per cent reservation to Muslims.

THE DEPUTY CHAIRMAN: Mr. Swamy, it can't come under a point of order, I am sorry. It can come under a Special Mention. You please take the permission of the Chairman, make a Special Mention and speak on it: I have no objection. Now, Mr. Antony.

...*(Interruptions)*...

SHRI A. G. KULKARNI: Madam ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: What is the subject you want to raise?

SHRI A. G. KULKARNI: I am on the Mandal Commission.

THE DEPUTY CHAIRMAN: On Mandal Commission we discussed many times. Please take the permission of the Chairman. I have called Mr. Antony's name.

SHRI JAGESH DESAI: Madam, ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: The assurance has been given. ...(*Interruptions*)... Now, sit down, don't interrupt him, please. ...(*Interruptions*)...

APPEAL TO STUDENTS TO SHUN VIOLENCE

SHRI A. G. KULKARNI: (Maharashtra): Madam, I want to draw the attention, through you, of the Prime Minister or the Government. What is the use of talking to the Prime Minister? It is the Government.

Madam, the announcement of the implementation of the Mandal Commission Report was made. Various mission Report was made. Every discussion has taken place. The Mandal Commission or the reservation policy has been the sheet-anchor of the Congress Party's policy. Consistently for the last 40 years the Congress Party has been supporting the reservation in all its aspects. Yesterday there was a discussion in an all-party meeting. I can understand that.

Malam, may I request you and, through you, the Government and the whole House that we, the Members of Rajya Sabha, should request the students to shun violence and to apply their minds to the real aspects of the Mandal Commision, because this party has failed in persuading the people and propagating the reservation policy actually to the people. They have no organisation. It is the Congress Party and other parties which have organisations. So, Madam, Rajya Sabha should request the students community. Through you, Madam, I emphasise that it will be the greatest asset of this country. (*Interruptions*)

THE DEPUTY CHAIRMAN: All right. I agree, from the House we request the students not to take to violence. The whole House is unanimous on this. (*Interruptions*) No argument on that. I have asked Mr. Salaria to speak. Please sit down. At least on good things support. I have called Mr. Salaria. Please take your seat. (*Interruptions*) Please don't interrupt, Mr. Desai. I have identified Mr. Salaria. Let Him say what he wants to say.

NEED TO GIVE 90 PER CENT, GRANT AND 10 PER CENT LOAN IN PLAN ASSISTANCE TO JAMMU AND KASHMIR

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): Madam, I have to bring to the your notice and, through you, to the notice of the Government that they must consider the fact that the State of Jammu and Kashmir is a special category State. There are six special category States in the whole of India, one of which is Jammu and Kashmir. It has been provided that where there is a special category State, it shall be entitled to 90 per cent grant and 10 per cent loan in Plan assistance. But the State of Jammu and Kashmir has been discriminated against. On the other hand, we are given 70 per cent loan and 30 per cent grant.

Moreover, whatever we are given, it is our submission, it should be equitably distributed among the three regions of the State of Jammu and Kashmir, that is, the province of Ladakh, the province of Kashmir and the province of Jammu.